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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,684	09/14/2000	Judith E Schwabe	SUN-P4174	8847

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EXAMINER

ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2122	7

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/661,684	SCHWABE, JUDITH E
<b>Examiner</b>	<b>Art Unit</b>	
Wei Y Zhen	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 September 2000.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-7 and 9-15 is/are allowed.

6)  Claim(s) 8 and 16-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-6 . 6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. Claims 1-18 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "The program storage device of claim 2" in line 1 of claim 8. There is insufficient antecedent basis for this limitation in the claim. The Examiner is interpreting this limitation as "The program storage device of claim 7".

Claim 16 recites the limitation "each said implementation" in line 5 of claim 16. There is insufficient antecedent basis for this limitation in the claim. The Examiner is interpreting this limitation as "each said program unit".

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al, U.S. Patent No. 6,519,767 in view of Levy et al, U.S. Patent No. 6,092,147 (Art of Record).

As per claim 16, Carter et al discloses

Memory for providing a remotely verified application software program comprising at least one program unit (col. 8 lines 8-25, "automatic version compatible object server building process...."), each program unit comprising type specific instructions and data (col. 4 lines 56-67, "version compatibility...against type information...."), said remote verification including verifying a second version of a first program unit implementation is binary compatible with a first version of said first program unit implementation by comparing said first version of said first program unit and said second version of said first program unit (col. 8 lines 8-25, and Fig. 5 col. 10 line 60 to col. 12 line 62, "automatic version compatible object server building process....").

Carter et al doses not explicitly disclose remote verification utilizing an application programming interface definition file.

However, Carter does disclose that API file are used to create program (col. 2 lines 1-9 and col. 2 line 66 to col. 3 line 61).

Therefore it would have been obvious to one having ordinary skill in the art to have remote verification utilizing an application programming interface definition file because one would want to utilize the API file to identify the compatibility between various version of the programs.

Carter et al further doses not explicitly disclose a virtual machine that is capable of executing instructions included within said application software program.

However, Levy et al does disclose a virtual machine that is capable of executing instructions included within said application software program (col. 9 lines 25-37).

Therefore it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Levy et al into Carter et al to have a virtual machine that is capable of executing instructions included within said application software program because one would want to utilize a virtual machine to complete the verification that can not be carried out before run-time.

As per claims 17-18, Carter et al does not explicitly disclose a smart card and the virtual machine is Java Card compliant.

However, Official Notice is taken that smart card and Java card-compliant VM were well known in the art at the time the invention was made.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of the well known knowledge into the teaching of Carter to have a smart card and the virtual machine be Java Card compliant because one would want to utilize the independent decision making ability of smart card and platform independent ability of Java to meet the needs of various types of program.

***Allowable Subject Matter***

4. Claims 1-7, 9-15 are allowed.

5. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

*WZ*

Wei Zhen  
Primary Patent Examiner  
September 15, 2003